

## REMARKS

Claims 1-5 have been amended, no claims have been cancelled, and no new claims have been added. Claims 1-5 are pending.

Claim 1 has been amended to recite “a controlling unit that causes spreading of a power spectrum of the oscillation signal by switching, at a predetermined timing, the phase comparator between a first state where the phase difference signal is output from the phase comparator and a second state where the phase difference signal is disabled and not output from the phase comparator...” Support for this amendment may be found throughout the specification and drawings and specifically in paragraphs 0021, and 0046-0056. Paragraph 0021 discloses that the controlling unit switches at predetermined timing to enable/disable the phase difference signal supplied by the phase comparator. Paragraphs 0046-0051 describe “normal” operation of the PLL when the phase difference signal is enabled. Paragraphs 0052-0055 describe “frequency modulation” operation of the PLL when the phase difference signal is disabled. Paragraph 0056 describes that repeating alternating normal and frequency modulation operation causes the power spectrum of the oscillation output of the VCO (the oscillation signal) to spread. Thus a person of skill in the art would clearly understand that the controlling unit causes spreading of the power spectrum of the oscillation signal as recited in amendment claim 1.

Claims 2-5 have been amended for consistency with claim 1 and for brevity.

### *Allowable Subject Matter*

The Examiner objected to claims 3-5 as depending upon a rejected base claim, but allowable if rewritten in independent form including all limitations of the base claims and any intervening claims. The indication of allowable subject matter is greatly appreciated.

### *Interview Summary*

A telephone interview was held between Examiner Arnold Kinkead and the undersigned

on June 21, 2011. The Examiner's participation in the interview and subsequent review of the proposed amended claims are greatly appreciated.

During the interview, the undersigned discussed the allowability of the present claims over *Reinhardt*. Examiner Kinlead introduced an additional prior art reference (US 5,334,952) that that he believes discloses enabling and disabling the output of a phase comparator within a phase-locked loop. The Examiner indicated that, if the rejection as anticipated by *Reinhardt* were overcome by argument, the present claims may be subject to rejection under 35 USC 103 as obvious over the new reference and previously cited references.

Possible claim amendments were discussed without agreement. Since allowable claims 3-5 all recite spreading the spectrum of the oscillation signal, a suggestion was made that spreading the spectrum was the common feature that distinguished these claims from the prior art.

After the interview, the claim amendments made in this response were submitted informally. The Examiner indicated that the proposed amendments, if adequately supported in the application, appeared to overcome the prior art of record.

#### ***Claim Rejections - 35 USC § 102***

The Examiner rejected claims 1 and 2 under 35 USC § 102(b) as anticipated by *Reinhardt et al.* (US 6,157,271). This rejection is respectfully traversed.

The fundamental principle of claim rejections under 35 USC § 102 is stated in MPEP §2131 as follows:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference.

*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent claim 1 has been amended to recite to recite “a controlling unit that causes spreading of a power spectrum of the oscillation signal by switching, at a predetermined timing, the phase comparator between a first state where the phase difference signal is output from the phase comparator and a second state where the phase difference signal is disabled and not output from the phase comparator...” It is respectfully submitted that Reinhardt does not describe such a configuration. Reinhardt does not describe spreading the spectrum of a signal output from a PLL. Thus it is respectfully submitted that claim 1 and depending claims 2-5 are allowable. Withdrawal of the rejection is solicited.

***Disclaimers Relating to Claim Interpretation and Prosecution History Estoppel***

Claims have been amended notwithstanding the belief that these claims were allowable. Except as specifically admitted below, no claim elements have been narrowed. Rather, cosmetic amendments have been made to the claims and to broaden them in view of the cited art. Claims 1-5 have been amended solely for the purpose of expediting the patent application process, and the amendments were not necessary for patentability.

Any reference herein to “the invention” is intended to refer to the specific claim or claims being addressed herein. The claims of this application are intended to stand on their own and are not to be read in light of the prosecution history of any related or unrelated patent or patent application. Furthermore, no arguments in any prosecution history relate to any claim in this application, except for arguments specifically directed to the claim.

***Conclusion***

It is submitted that the independent and dependent claims include other significant and substantial recitations which are not disclosed in the cited references. Thus, the claims are also patentable for additional reasons. However, for economy the additional grounds for patentability are not set forth here.

The Examiner's consideration of the references of record is appreciated. It is presumed that the Examiner has considered the entire disclosure of each of the references of record with respect to anticipation (individually) and obviousness (in any combination).

In view of all of the above, it is respectfully submitted that the present application is now in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited.

The Examiner is invited to call the undersigned registered practitioner to answer any questions or to discuss steps necessary for placing the application in condition for allowance.

References to "Applicant" herein are to the assignee of record, which the undersigned represents. An assignment has been recorded, and a Statement of Ownership and a General Power of Attorney have also been filed. Thus, the rights of the original Applicants/inventors have been excluded.

With respect to this filing, the Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 503456. Please consider this paper to be a petition for extension of time, if necessary.

Respectfully submitted,

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John E. Gunther, Reg. No. 43,649

SoCal IP Law Group LLP  
310 N. Westlake Blvd., Suite 120  
Westlake Village, CA 91362  
Telephone: 805/230-1350  
Facsimile: 805/230-1355  
email: info@socalip.com